

ONLY TWO WITNESSES

New Facts Produced in the Smith Hearing.

EVIDENCE IS IMPORTANT

STATE IS MAKING A STRONG CASE.

Richard Haslam Swears That at Smith's Request He Addressed an Envelope to Judge Powers—Mrs. Burt Tells of Seeing Defendant Carrying Two Packages.

Yesterday's examination, although it included but two witnesses, elicited two startling facts in the Smith case. Richard Haslam, a boarder in the same house as the defendant, swore that on the evening of either Aug. 22 or 24, Smith came to him in the house, and at his request Haslam wrote the address, that was subsequently affixed to the infernal machine sent to Judge Powers. The witness positively identified the envelope produced in court which was taken from the death-dealing machine. At the request of Smith's attorney, Haslam wrote a duplicate address, which compared in every detail with the original.

Mrs. Isabella Burt further testified that she saw and spoke to Smith on Aug. 25. She described minutely the package he carried across to the R. G. W. depot, and then clinched the testimony by stating that the accused came back from the depot, fifteen minutes later, empty handed.

Peck Cross-examined.
At 10 o'clock yesterday morning Attorney Westcott continued the cross-examination of the young man Peck, picking up the thread where it was broken at the adjournment on Friday afternoon. In answer to questions Peck stated that he had known the defendant Smith since July 29, coming down to the night of the alleged confession, witness stuck to his story of the day previous and reiterated the statement that Smith told him that "he was the man they were after, and that he was the man that did it."

"You are positive of that?" queried Attorney Westcott.

"Yes, sir, I am."

"Your brother was there asleep, wasn't he?"

"Yes, sir."

"Why did you tell him you were alone; did you want to trap him?"

"No, sir."

"Why then?"

"I thought if I told him some one was in the room that he would call me outside, and I didn't want to go."

Peck, in answer to a query regarding his admission that he had told Smith that he could tell a lie if he wanted to and the truth too.

"Isn't it a fact," continued Mr. Westcott, "that Biblecombe and Blowers took a box of powder from the Buckeye mine, carried it and eventually sold it for \$5 through your instrumentality?"

Witness explained that he negotiated the sale of the powder, but at the time he did not know it was stolen. Peck strenuously denied that he was mixed up in the stolen powder transaction and that to cover up the affair he had entered into a conspiracy to put up a job on Smith and get him out of the way.

"Didn't you come along the road from the Home State hotel to the depot, with a sack of waste on your shoulder that had been stolen on Aug. 17, when you met Smith?"

"I don't remember."

"Will you swear positively that it did not occur?"

"Well, I can't swear to it."

"Didn't you take me to Phillips and Joe Biblecombe and didn't they say, 'you got more than we needed'?"

Witness denied emphatically that he took any powder from the Buckeye mine in the middle of August, or that he knew who stole two boxes of powder from that mine on or about that date.

Haslam On the Stand.
Richard Haslam, a husky Diamondville miner, attired in a sweater, was then called. He stated that he had been a resident of Utah for eight months past and that he had been a boarder under the name of McDonnell from the fact that they boarded at the same house, which is known as Brown's. On the evening of either Aug. 22 or 24, Haslam said, he was in the hallway by Smith's room when the latter asked him to address an envelope for him.

Haslam said he went to his room and got a pen and ink. "I told Smith," said witness, "I could not write with a pen, as I have been used to writing with an indelible pencil. I went into his room and wrote, at his dictation, 'O. W. Powers, Attorney-at-Law, Salt Lake City, Utah.' It was written on a square envelope furnished by Smith." Witness identified the envelope produced in court as being the one he addressed at Smith's request.

"Did you take the ink with you when you left the room?"

"No, sir."

"When did Smith return it?"

"About 8 o'clock, when he went into my room, the pen and ink were lying on the table."

"What color was the ink?"

"It was supposed to be black."

Cross-examined by Mr. Truman. Haslam stated that after the letter had been directed by him he immediately left the room, leaving Smith in the place. Witness stated that he did not see the defendant again that evening.

At this stage of the proceedings Mr. Truman asked Haslam to write a similar address, in pencil, on a square envelope which the attorney furnished. Haslam did so, and when the two were compared they were found to be facsimiles of each other. Attorney Truman promptly dropped his witness and resumed his seat.

Mrs. Burt Testifies.
The next witness was Mrs. Isabella Burt, a motherly-looking Scotch woman with a decided Scotch accent. Mrs. Burt stated that she had lived in Eureka for the last one and a half years. Her house, she said, was situated at the rear of the Rio Grande Western depot. Between 12 and 1 o'clock on Friday, Aug. 25, witness said that Smith passed her door, going toward the depot. He was carrying a parcel wrapped up in white cloth. The parcel looked as though it were made up of two square boxes, placed one above the other, and tied up in what looked like a white handkerchief. The parcel also appeared as though they might be shoe boxes, with the smaller one on top.

Smith was walking with another man. They were talking earnestly together. As soon as they noticed Mrs. Burt sitting on the porch one of the men pulled the other's coat sleeve and the conversation terminated. About a quarter of an hour later, witness stated that she saw Smith alone. He came into her yard and took a drink at her hydrant. Smith spoke to her and said, "Excuse me, madam." Mrs. Burt said that Smith had no package with him on the latter occasion.

Upon being cross-examined by Mr. Truman, witness stated that she could not be positive as to which man plucked the other's sleeve as testified to on direct examination. Witness fixed the date as being Aug. 25 from the fact that her husband's birthday was two days prior to the occurrence.

During the course of redirect examination Attorney Van Cott proceeded to tie up the two infernal machines in a piece of factory, amid vigorous protests upon the part of the defense. Judge Norrell instructed the state to proceed. Mrs. Burt, upon the presentation of the

Wake Up! You are an energetic man. You feel that you could take just one more nap, and one more and still more. Your head is heavy. You hate to get up. Your mouth tastes



That isn't business—it's sickness—real, serious sickness. And later it will develop to the extreme—liver trouble, constipation, blood disease, or nervous prostration. There is a remedy that will put you on your feet—Dr. Pierce's Golden Medical Discovery. It will wake up your stomach, give you an appetite, and put vim in your blood. It will make a new man of you. It contains no alcohol and will not create an appetite for stimulants.

Mr. Charles Hancock, of Lees Ferry, Ariz., writes: "I have never felt better in my life than I do now. I have taken Dr. Pierce's Golden Medical Discovery right along. I can now walk quite well with a cane and have no bow even though I have been lame for a long time. I am doing fine. I do not cough now and I am as healthy as a school boy. I have been treated by two hospitals and by three doctors besides, but received no benefit, so I think your medicine is the only medicine for me."

Do not let any one induce you to take a substitute in place of Golden Medical Discovery. Buy of reliable dealers. With tricky ones, something else that pays him better will probably be offered as just as good. Perhaps it is for them; but it can't be for you.

bundle, was very positive that the parcel carried by Smith on his way to the depot was of identical dimensions in detail as to that of the package on exhibition.

At this stage of the proceedings Mrs. Burt was excused and Judge Norrell adjourned the court until 10 o'clock Monday morning.

Filed Poverty Affidavit.
Smith yesterday filed an affidavit of impecuniosity. Upon its presentation to the court, Judge Norrell issued a subpoena for the following witnesses, at the expense of the state: James Jacobs and William Markley, Bingham; C. M. Jameson, Bingham or Silver City; George Phillips, Lafe Uley and Charles C. Hayden of Diamond. The alleged dynamiter stated that if these men tell the truth, that a different light will be thrown on the crime of which he is accused.

ASKED ABOUT ORDINANCES
A delegation from the Women's Club council called at police headquarters last evening and wanted to know whether or not the curfew and expropriation ordinances are being enforced. The ladies—two in number—had been assigned to ascertain the true and unadulterated status of affairs. Chief Hilson was not "at home," so Acting Desk Sergeant Pack was interviewed.

His reply to the query was affirmative. He said the ordinances were being enforced, but explained that it is difficult to convict anybody of the offense of expropriation unless the patrolman sees the act committed. If the latter happens to be a block away from the offender might not be detected, or in other words, leave a man in the corner of West Temple and Third South at 7 o'clock in the evening, and Jim Williams sees him, how long would it take seven men to spot in different parts of the city, and would Jim be tired? Would Roberts take his seat, and what time is it?

As to the curfew ordinance, the ladies were informed that four freckle-faced youths had been lectured severely for staying out just a few nights ago, and the investigating committee adjourned, well satisfied.

POLICE PICKUPS.
Seventy-seven winters hanging over his head did not prevent A. J. McDonald from going "out with the boys" last night. He was seen getting a very hilarious jaunt on the old man sang and danced and had a jolly good time until locked up.

A few wandering Utes with tents pitched on the west side have been complained of recently by residents, who claimed that poor Lo got more power than was absolutely necessary under his belt, and made night hideous. The complaints were renewed last night at police headquarters, and Sergeant Broderick went down to see about it. He found that a great spirit existed, and everybody was in bed. There was no disturbance whatever, and had been none, so far as the sergeant could learn. The fact is that hoodlums of the locality annoy the detachment of the tribe, and the reports of strange noises and all that originate in the minds of the former.

COLBURN WAS INDIGNANT
JUDGE HAS A NEWSBOY PLACED UNDER ARREST.

Saw Him Kicking One of His Fellow Hustlers—Will Swear to Complaint Today.

Judge Colburn is the complaining witness in a case of assault and battery. While standing on a main street corner shortly after 5 o'clock last night, in company with Judge O. W. Powers, he saw a newsboy in the act of kicking another and younger member of the profession, and the sight aroused the judge's indignation. He had Officer Hilson take the boy to police headquarters, and said he would today swear a complaint against him.

The lad is Otto Pathe. He gets pay for a number of other boys, and hands them out on the street. He claims that he gave Mathew Bergen, the other boy, who was soon lost to view, too many papers, and when he tried to get one back the younger demurely, and "hung on till I had it" hand it to him.

Pathe was released on his own recognizance.

Holiday Neckwear.
We carry exclusive patterns and shapes.

BROWN, TERRY & WOODRUFF CO.
156 Main Street.

EARNINGS OF THE U. P. BUSINESS OF WEEK

Will Show 4 1-2 Per Cent On the Approach of Holidays Booms Retail Common Stock.

TO BE OUT IN A FEW DAYS EFFECT ON WHOLESALERS

PRESIDENT BURT NOW IN NEW YORK.

Holds a Conference With Oregon Railroad & Navigation Company Officials—Bumsted That Readjustment of O. R. & N. Affairs Is in Contemplation—Railroad Notes.

New York, Dec. 8.—The Times says: Following the arrival here of President Burt of the Union Pacific company, a conference was held on the part of the Union Pacific and Oregon Navigation officials. It was rumored that a readjustment of Oregon Navigation affairs is contemplated, but nothing definite on the subject can be learned. At the office of the company it was said that purely routine affairs were discussed at the meeting.

In connection with President Burt's visit, it is said that the annual report of the Union Pacific will be forthcoming in a few days, and will show over its per cent earned on the common stock.

IMPROVED CAL LUMINANT.
Addition of Acetylene Works Wonders With Pintach Gas.

In the experience of officials of the Prussian state railways it has been found that by the addition of 25 per cent of acetylene to the enriched gas used in the Pintach apparatus for illuminating trains the amount of light is tripled and the cost for the same amount of illumination reduced more than one-half.

Now a number of gas works along the railways, where this lighting is affected, and in the case of the Prussian railways will be equipped for the work.

The German railways means an annual consumption of about 1,500,000 pounds of acetylene gas, for this purpose in Germany alone.

Rio Grande Western Earnings.
The estimated gross earnings of the Rio Grande Western railway for the fourth week and for the month of November show a large increase over the corresponding week and month last year. The estimated earnings for the fourth week of November are \$1,000,000, compared with \$750,000 for the same period in 1938. The estimated gross earnings for the month of November are \$3,500,000, an increase of \$500,000, or about 15 per cent over the corresponding period of 1938.

To Meet On California Troubles.
The Southern Pacific and Santa Fe railroads have agreed to call a meeting of passenger agents of all transcontinental lines to consider the California rail strike that is now being waged by the Fitchburg, Boston & Albany, and other eastern lines. It will be held in Chicago as soon after Dec. 15 as possible.

To Succed Resignee.
Tupika, Kan., Dec. 8.—Mr. C. W. Nixon, superintendent of the Chicago division of the Atchafalpa, Tupika & Santa Fe, will succeed Mr. C. F. Resigge as general superintendent of the "G" division, Colorado & Santa Fe with headquarters at Galveston.

Railroad Notes.
Hoyt Sherman of the Colorado & Southern left for the west yesterday.

Traffic Manager Babcock of the Western is expected to return from the east early this week.

Superintendent Welby of the Western has been out on a tour of inspection for the past four days. He will return today.

Scott Davis, C. L. Tuttle, Julian Houtz and W. L. White returned yesterday from Cheyenne, where they have been attending the conference of sheepmen and cattlemen.

H. M. Clay of the Union Pacific continues to gain strength daily. There was a slight increase in his temperature yesterday morning, but it passed away in the afternoon.

The last spike of the St. Anthony branch is still suspended in the air. The continued cold weather has interfered with the laying of the steel track.

Back issues of the Short Line is possible of obtaining unless the publisher is an authority on political speeches from the platform of a private car. He is compiling a Christmas edition of "What I Don't Know About the Great Game of Draw" in four volumes.

All the dining cars on the New York Central are being constructed so that there shall be no opening from the kitchen to the dining car. The only approach to and exit from the kitchen will be by way of the platform.

The Rock Island road is distributing among its patrons and agents a new map of the United States. The maps are of recent revision, and contain all the latest features. They are three and one-half by four and one-half feet, printed on a heavy paper, and are sold at a nominal price. The Rock Island road is also issuing a book, "What I Don't Know About the Great Game of Draw," which is a collection of questions and answers on the subject of the game of draw. The book is attractively gotten up and is printed in red and black.

Division Superintendent Joe Young of the Short Line was slated for a speech on "What the Railroad Will Do for This Country," at the St. Anthony Hotel last week. Superintendent Calvin D. Pinkney, who is in charge of the division, was unable to attend, and the speech was given by Joe Young.

Manager Edwin Williams and Traffic Manager Edwin Williams are expected to work off when his time and things are cleared up. He is now in the hospital, and is expected to be out in a few days.

Joe Young, who is in charge of the division, is expected to be out in a few days. He is now in the hospital, and is expected to be out in a few days.

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CHRISTMAS GREETINGS!

In making our annual greetings for the HOLIDAY TRADE, we beg to announce the Sweeping Reductions we have made in every department of our Mammoth Establishment. In selecting presents for your wife, husband, sister, brother, daughter, son, sweetheart or friend, visit us first, and we can assist you in selecting something that is useful as well as ornamental, something lasting and pleasant for the eye to look upon.

There is more satisfaction, both to the receiver as well as the giver, in a nice piece of FURNITURE for a CHRISTMAS PRESENT. Just think what a beautiful and lasting present one of the following articles would make, viz.: A Fancy Lamp, a Picture, a Fancy Mirror, a Screen, an Easel, a Toilet Table, a Ladies' Writing Desk, a Brass Bed, a Handsome Dresser, a Verner's Cabinet and a world of other things we carry.

Write to us for our MAMMOTH CATALOGUE; we will gladly send it to you.

We make no charge for packing, and can assure you that our goods are packed right.

BRASS BEDS.
We have these in endless variety. They are perfectly made in every particular. A sweeping reduction.

A Bed reduced from \$150.00 to\$132.50
A Bed reduced from \$120.00 to\$105.00
A Bed reduced from \$80.00 to\$ 65.00
A Bed reduced from \$55.00 to\$ 42.50
A Bed reduced from \$40.00 to\$ 27.50

IRON BEDS.
We have 50 different styles of these Beds for you to select from, in white, black and green.

A Bed reduced from \$35.00 to\$27.50
A Bed reduced from \$30.00 to\$23.50
A Bed reduced from \$27.50 to\$21.50
A Bed reduced from \$17.50 to\$12.50
A Bed reduced from \$7.50 to\$ 4.85

ODD DRESSERS.
A variety of these we have in Bird's-eye Maple, Mahogany, Golden Oak and White Enamel.

Bird's-eye Maple, cut from \$37.50 to\$26.50
Mahogany cut from \$37.50 to\$21.50
Mahogany, cut from \$35.00 to\$24.50
Golden Oak, cut from \$35.00 to\$23.50
White Enamel, cut from \$23.00 to\$16.50

LADIES' WRITING DESKS.
A choice variety of these.

Mahogany, cut from \$25.00 to\$18.50
Bird's-eye Maple, cut from \$10.00 to\$ 7.50
Golden Oak, cut from \$17.50 to\$13.50
Antique Oak, cut from \$6.50 to\$ 4.00
Imitation Mahogany, cut from \$13.50 to\$ 9.00

CENTER TABLES.
We have thirty different styles; also Onyx Stands and Library Tables.

Bird's-eye Maple, cut from \$8.50 to\$6.50
Mahogany, cut from \$7.50 to\$5.50
Golden Oak, cut from \$4.50 to\$3.50
Imitation Mahogany, cut from \$3.50 to\$2.25
Antique Oak, cut from \$3.50 to\$2.25

COUCHES.
You will find these all handsomely upholstered in Leather, Velour and Tapestry.

In Velour, cut from \$42.50 to\$35.00
In Corded Velour, cut from \$35.00 to\$29.50
In Corduroy, cut from \$25.00 to\$18.50
In Tapestry, cut from \$21.50 to\$16.25

COMBINATION CASES.
These are the Desk and Book Case combined.

Bird's-eye Maple, cut from \$45.00 to\$35.00
Mahogany, cut from \$45.00 to\$32.50
Golden Oak, cut from \$25.00 to\$18.50
Birch Mahogany finish, cut from \$18.50 to\$13.50

PARLOR CABINETS.
We have these in the world-renowned Verner's Martin and Mahogany.

Verner's Martin, cut from \$75.00 to\$57.50
Verner's Martin, cut from \$60.00 to\$47.50
Mahogany, cut from \$42.50 to\$32.50
Mahogany, cut from \$27.50 to\$17.50
Mahogany, cut from \$40.00 to\$29.50

DINING TABLES.
We have these in all sizes, as well as in the round and square.

Dining Table, cut from \$25.00 to\$19.50
Dining Table, cut from \$20.00 to\$16.50
Dining Table, cut from \$17.50 to\$13.50
Dining Table, cut from \$12.50 to\$ 8.50

BEDROOM SUITS.
Of these we can please you in any finish or design.

Bird's-eye Maple, cut from \$80.00 to\$47.50
Mahogany, cut from \$75.00 to\$62.50
Walnut, cut from \$110.00 to\$90.00
Golden Oak, cut from \$70.00 to\$57.50
Birch Mahogany, very fine, cut from \$40 to\$32.50

We will keep open to 8:00 p. m. until Christmas.

18 to 40 East Third South Street.